

21. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decree of condemnation and destruction. (F. D. C. No. 183. Sample No. 35008-D.)

This product contained mercuric chloride (corrosive sublimate), a poisonous or deleterious substance, which might have rendered it injurious to users, under the conditions of use prescribed in the labeling in which it was recommended for use after shaving and as a beautifier by removing eczema, pimples, dandruff, and itching scaly eruptions. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual.

On March 3, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging that it was adulterated and misbranded. It was alleged to be an adulterated cosmetic for the reasons stated above. It was also alleged to be a misbranded drug, as reported in D. D. N. J. No. 68.

It was also alleged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30883 published under that act.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

22. Adulteration and misbranding of Soule's External Lotion. U. S. v. 5 Bottles and 8 Bottles of Soule's External Lotion. Default decrees of condemnation and destruction. (F. D. C. Nos. 221, 229. Sample Nos. 10474-D, 13696-D.)

This product was recommended in its labeling as a treatment for moth, tan, freckles, and pimples. It contained mercuric chloride, a poisonous or deleterious substance, which might have rendered it injurious to users under the conditions of use prescribed, or under such conditions of use as are customary or usual. For the treatment of moth it was directed that a soft cloth be moistened with the lotion, the face bathed morning and evening for 2 or 3 weeks or until a slight roughness was experienced, and that then the lotion be applied evenings until the face became clear; that for tan it be applied every evening; that for freckles it be used in the same manner as for tan unless the case was severe, in which event it should be applied as for moth; and that for pimples it be applied every evening but that if it proved stronger than was pleasant for the face, the cloth be dampened in water, the lotion applied to the damp cloth, and application be made less frequently.

On April 17 and May 13, 1939, the United States attorney for the Southern District of Florida filed libels against 13 bottles of Soule's External Lotion at Jacksonville, Fla.; alleging that the article had been shipped in interstate commerce on or about February 1 and April 18, 1939, by L. M. Brock & Co. from Lynn, Mass.; and charging that it was an adulterated cosmetic for the reasons appearing hereinbefore.

It was also charged to be a misbranded drug as reported in D. D. N. J. No. 70.

On June 22, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

COSMETICS, MISBRANDED (ON ACCOUNT OF DECEPTIVE CONTAINERS)

TOOTH PASTES AND SHAVING CREAM

23. Misbranding of tooth paste. U. S. v. 185 Packages of Sears Tooth Paste and 78 Packages of Walter's Tooth Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 835, 836. Sample Nos. 73757-D, 73758-D.)

The containers of this product were deceptive since the tubes occupied only 30 percent of the capacity of the cartons. The labeling of Walter's Tooth Paste bore false and misleading representations regarding its efficacy.

On October 30, 1939, the United States attorney for the District of Massachusetts filed libels against 263 packages of tooth paste at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about July 12, August 10, and September 25, 1939, by the Sheffield Co. from New London, Conn.; and charging that it was misbranded. It was labeled in part: (Cartons and tubes) "Sears Tooth Paste * * * Distributed by Sears, Roebuck and Co. Chicago, Ill."; or "Walter's For The Gums Tooth Paste * * * Sold Only By Sears, Roebuck and Co."

Misbranding was alleged in that the containers were so made, formed, or filled as to be misleading. Further misbranding of Walter's Tooth Paste was alleged in that the statement "For the Gums," appearing in the labeling, was false and misleading since it represented that the article was efficacious for the purpose recommended; whereas it was not.

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

24. Misbranding of tooth paste and dental cream. U. S. v. 3 Gross Packages of Tooth Paste, and 3 Gross Packages of Dental Cream. Default decrees of condemnation. Products delivered to charitable organization. (F. D. C. Nos. 546, 547. Sample Nos. 67651-D, 67652-D.)

The tubes containing these products occupied less than one-third of the capacity of the cartons. The labeling of the dental cream bore the false and misleading claim that it would make the gums healthy and firm.

On September 6, 1939, the United States attorney for the Southern District of New York filed libels against 6 gross packages of dentifrices at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about July 11 and August 11, 1939, by Trade Laboratories, Inc., from Newark, N. J.; and charging that they were misbranded. The articles were labeled: "Cabot's Tooth Paste with Milk of Magnesia * * * Redd Chemical Co., Distributors, Newark, New Jersey"; and "Lee's Milk of Magnesia Dental Cream * * * The Trade Laboratories, Inc., Distributors, Newark, N. J."

Misbranding was alleged with respect to both products in that the containers were so made, formed, and filled as to be misleading. Lee's Dental Cream was alleged to be misbranded further in that the representation on the tube that it would make the gums healthy and firm was false and misleading since it was not efficacious for the purposes recommended. It was also alleged to be misbranded under the provisions of the law applicable to drugs reported in D. D. N. J. No. 73.

On September 25, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a charitable organization.

25. Misbranding of dental cream and shaving cream. U. S. v. 95 Dozen Packages of Dental Cream and 59 Dozen Packages of Shaving Cream. Default decrees of condemnation and destruction. (F. D. C. Nos. 770, 771. Sample Nos. 47500-D, 78501-D.)

The containers of these products were deceptive, examination having shown that the tubes occupied slightly more than one-fourth of the capacity of the cartons.

On October 18, 1939, the United States attorney for the District of Maryland filed libels against 95 dozen packages of dental cream and 59 dozen packages of shaving cream at Baltimore, Md.; alleging that the articles had been shipped in interstate commerce on or about September 8 and 22, 1939, by the National Gibson Co., Inc., from New York, N. Y.; and charging misbranding in that the containers were so made, formed, or filled as to be misleading.

The articles were labeled in part: "Gibson Milk of Magnesia Dental Cream [or "Gibson Howell Shaving Cream"] Gibson-Howell Co. Jersey City, N. J."

On November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

DEODORANTS

26. Misbranding of Hush Cream Deodorant and Hush-Sno. U. S. v. 14½ Dozen Boxes of Hush and 11½ Boxes of Hush-Sno. Default decrees of condemnation and destruction. (F. D. C. Nos. 340, 343. Sample Nos. 45577-D, 45578-D.)

The containers of these products were so made, formed, and filled as to be misleading since they appeared to hold at least three times as much as they did because of the recess in the bottoms, of the double bottoms, and the fact that the covers did not fit flush over the bottom compartments.

On August 1, 1939, the United States attorney for the Northern District of Georgia filed libels against 14½ dozen boxes of Hush and 11½ boxes of Hush-Sno at Atlanta, Ga.; alleging that the articles had been shipped in interstate commerce on or about July 3 and 5, 1939, by the Hush Sales Co. from Philadelphia, Pa.; and charging that they were misbranded.

On August 28, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.